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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 695 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

GOVIND KARASAN VAJA

Versus

STATE OF GUJARAT

Appearance:

MR AD MITHANI for Petitioner

MR SK PATEL AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/10/1999

ORAL JUDGEMENT

#. Learned counsel for the petitioner submits that this matter squarely covered by the decision of this court in Special Civil Application Nos. 2815/83 with 6313/87, 4207/86 & 3775/86 decided on March 7/8, 1995 (Coram : K.R.Vyas, J.). The learned counsel for the respondents submits that the petitioner was given appointment by the Official Liquidator for the purpose of assisting him in

winding up proceedings of the society. The petitioner was not appointed by the State Government or by its officers and the petitioner cannot be taken to be a civil servant. Shri Patel further submits that the status of the petitioner is only that of employee of the Liquidator appointed to assist him in the winding proceedings of the society and as such no right to claim or become the government servant does arise or accrued in his favour.

#. Shri Mithani learned counsel for the petitioners submits that the petitioner is working since considerably long time. He does not dispute that the petitioner is appointed by Official Liquidator to assist him in winding up proceedings of the society. However, he submits that even if the petitioner is not taken to be a Government Servant there must be some scheme to be framed by the State Government so that this class of the employees after working for reasonable time with the Liquidator may come in the regular service of the State Government. He further submits that the official liquidator has been appointed by the officer of the State Government for winding up of the societies and in fact this work is to be discharged and completed by the officer of the Government or some other person appointed as official liquidator by the State Government. Such class of the employees if after serving for long period with the official Liquidators are to go without any benefits whatsoever though by that time they would have also become over-aged, their life will become miserable and they have to face manifold difficulties and hardships.

This is not the matter where we have to decide all these questions finally.

I find sufficient justification in the contentions of the learned counsel for the petitioner that this matter is squarely covered by the decision of this Court supra. This court has given directions to the State Government to consider the individual cases of the petitioners therein. Shri Mithani states that the petitioners in that case were also appointed by the official liquidators to assist them in winding up proceedings of the societies. This court has given directions that treat only those employees as Government employees who are appointed either by the Registrar or by the Liquidator who himself is the Government officer and to formulate an appropriate scheme for regularisation and/or absorption in services of such employees. Some other directions were also given. On being asked by the court Shri S.K.Patel states that he is not in a position to state whether this judgment was taken by the State

Government in appeal or not.

The Special Civil Application stands disposed of with the directions as given by this court in the aforesaid judgment and the case of the petitioner be accordingly considered in the light of that judgment dated 7/8-3-95 (supra). Special Civil Application and rule stand disposed of accordingly. No order as to costs.

(S.K.Keshote, J.)

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